

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
08-CV-6284 (JMR/FLN)

Campbell-Sevey, Inc.)
)
 v.)
)
 Delta-T Corporation and)
 Bateman Litwin N.V.) ORDER
)
 v.)
)
 Pacific Ethanol Imperial, LLC)
 and Pacific Ethanol, Inc.)

This matter is before the Court for consideration of the Report and Recommendation issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on February 18, 2010 [Docket No. 111]. Plaintiff timely filed objections pursuant to Local Rule 72.2.

Based on a de novo review of the record, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that Pacific Ethanol's motion to dismiss [Docket No. 38] is granted; that Delta-T Corporation's motion to sever or transfer [Docket No. 56] is denied; and that Campbell-Sevey's motion for summary judgment [Docket No. 78] is granted in part and denied in part.

Dated: April 2, 2010

s/ JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge

